

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

ENRIQUE RAMIREZ

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Philip R. Weltin; Lindsay R. McKasson; Weltin Streb & Weltin, LLP  
1432 Martin Luther King Jr. Way Oakland, CA 94612

**DEFENDANTS**SYNERGY MARINE LLC; SYNERGY MARITIME PRIVATE LIMITED;  
PIONEER MARINE, INC.

County of Residence of First Listed Defendant Fairfield, CT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC Section 1332

Brief description of cause:  
Diversity; Negligence

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**    ☐ Yes    ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

08/01/2016

SIGNATURE OF ATTORNEY OF RECORD

/s/ Philip R. Weltin

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

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Attorneys for Plaintiff  
ENRIQUE RAMIREZ

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

ENRIQUE RAMIREZ;

Plaintiff;

vs.

SYNERGY MARINE LLC; SYNERGY  
MARITIME PRIVATE LIMITED; PIONEER  
MARINE, INC.

Defendant.

Case No. 16-4327

**COMPLAINT FOR:  
NEGLIGENCE**

Plaintiff ENRIQUE RAMIREZ complains of Defendants and alleges as follows:

**I. JURISDICTION AND VENUE**

1. The Court has jurisdiction pursuant to 28 U.S.C. § 1332. Plaintiff is a resident of the State of California. Defendant SYNERGY MARINE PRIVATE LIMITED's principal place of business is in Singapore, where it is also incorporated. Defendant SYNERGY MARINE LLC is incorporated in Stamford, Connecticut and its principal place of business is in

- Connecticut. Defendant PIONEER MARINE, INC.'s principal place of business is unknown, but it is headquartered in Singapore. The amount in controversy exceeds \$75,000.
2. Venue is proper under 28 U.S.C. § 1391 in the Northern District of California in that a substantial part of the actions or omissions giving rise to this case occurred within this District.

## **II. THE PARTIES**

3. Plaintiff is a resident of the State of California and is employed as a longshoreman.
4. Defendant PIONEER MARINE, INC. owns MYKONOS BAY, a vessel registered to the United Kingdom. PIONEER MARINE, INC. is headquartered in Singapore. Its operations and chartering offices are in Greece. It also has a location in Chennai, India.
5. Defendant PIONEER MARINE, INC. hired SYNERGY MARITIME PRIVATE LIMITED and/or SYNERGY MARINE LLC. to manage and operate MYKONOS BAY. SYNERGY MARITIME PRIVATE LIMITED is headquartered in Singapore and also has offices in Chennai, India. SYNERGY MARINE LLC. is located in Stamford, Connecticut.
6. Prior to April 24, 2016 and on that date, Defendants PIONEER MARINE, INC., SYNERGY MARITIME PRIVATE LIMITED, SYNERGY MARINE LLC., were the owners, operators, charterers or inspectors and were in control of a vessel, the MYKONOS BAY and its gear, appliances and component parts. Said vessel was, and now is, engaged in the transportation of goods and cargo on the navigable waters of the United States of America.

## **III. CAUSE OF ACTION - NEGLIGENCE**

7. On or about April 24, 2016, the vessel was docked at the C & H Sugar refinery located at 830 Loring Avenue, Crocket, California 94525 in Contra Costa County.
8. At that time and place, Defendants employed Ports America dba Marine Terminals Corporation, a stevedoring company, to load and unload the vessel. On that date, Plaintiff

1 was working as a longshoreman employed by Ports America dba Marine Terminals  
2 Corporation.

3 9. On and before April 24, 2016, Defendants so negligently and carelessly owned, operated,  
4 inspected, maintained, supervised and controlled said vessel and the loading operation on the  
5 vessel, that its equipment and cargo were in a dangerous, defective and improper condition,  
6 thereby creating a risk of injury in the loading work area to persons working there.

7  
8 10. Defendants knew, or in the exercise of ordinary care should have known, of the dangerous,  
9 defective, and improper conditions then existing, and failed to remedy said conditions or to  
10 otherwise adequately safeguard persons working on the vessel against the conditions, having  
11 had a reasonable opportunity to do so.

12  
13 11. As a direct and proximate result of the negligence of Defendants, Plaintiff was caused to  
14 sustain severe personal injuries and damages, all to his damage in an amount within the  
15 jurisdiction of this Court.

16 12. As a direct and proximate result of Defendants' negligence, Plaintiff was unable to work and  
17 suffered, and will suffer, loss of earnings in an amount according to proof.

18  
19 13. As a further proximate result of Defendants' negligence, Plaintiff incurred medical and  
20 related expenses, all to his damage in an amount according to proof.

21 WHEREFORE, plaintiff prays for judgment against defendants and each of them as follows:

- 22 1. For general damages in a sum within the jurisdiction of this court;  
23 2. For loss of earnings, past and future, according to proof;  
24 3. For medical expenses incurred and to be incurred;  
25 4. For costs of suit herein incurred;  
26 5. For such other and further relief as the Court may deem proper.  
27  
28

1 Dated: August 1, 2016

WELTIN STREB & WELTIN LLP

2  
3 \_\_\_\_\_/s/

4 Philip R. Weltin  
5 Attorneys for Plaintiff

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff hereby demands a trial by jury in this matter.  
8

9  
10 Dated: August 1, 2016

WELTIN STREB & WELTIN LLP

11  
12 \_\_\_\_\_/s/

13 Philip R. Weltin  
14 Attorneys for Plaintiff  
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